

Message Text

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PAGE 01 USBERL 00730 01 OF 02 311719Z
ACTION EUR-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
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R 311520Z MAR 78
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 6526
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0730

E.O.11652: XGDS-1
TAGS: PGOV, BQG
SUBJECT: EAST BERLINER REFUSES TO ENTER GDR ARMY ON BASIS OF
DEMILITARIZED STATUS OF BERLIN

SUMMARY. FOR LAST SEVERAL DAYS, WEST BERLIN PRESS HAS PLAYED
UP STORY THAT ON MARCH 14, A YOUNG RESIDENT OF EAST BERLIN,
NICO HUEBNER, WAS ARRESTED BY THE GDR STATE SECURITY SERVICE
BECAUSE HE REFUSED TO REPORT FOR A PREINDUCTION EXAMINATION
FOR THE GDR ARMY. ALLIES HAVE RESTRICTED COMMENT ESSENTIALLY TO
CONFIRMING THAT DEMILITARIZATION APPLIES TO ALL OF BERLIN. END
SUMMARY.

1. HUEBNER, WHO, PRESS INDICATES, IS SON OF AN SED FUNCTIONARY,
ALLEGEDLY GAVE OUT A STATEMENT AT THE TIME OF HIS ARREST
WHICH EXPLAINED HIS REASONS FOR REFUSING GDR MILITARY SERVICE.
THE STATEMENT, AS PUBLICIZED BY THE SOCIETY FOR HUMAN RIGHTS IN
WEST BERLIN, INDICATED THAT AS A BERLINER, HUEBNER WAS NOT OBLIGATED
TO PERFORM MILITARY SERVICE IN A GERMAN ARMY; IN PARTICULAR THE
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PAGE 02 USBERL 00730 01 OF 02 311719Z

STATEMENT CONTINUED, GREATER BERLIN IS A DEMILITARIZED ZONE.
THEREFORE, CITIZENS THEREOF CANNOT BE INDUCTED INTO MILITARY
SERVICE. THE SPECIAL STATUS OF BERLIN WAS AGREED BY THE FOUR
POWERS IN THE SEPTEMBER 12, 1944 LONDON PROTOCOL. THE POTSDAM
AGREEMENT, IN WHICH THE SOVIET UNION CONCURRED, PROVIDED FOR
COMPLETE DISARMAMENT AND DEMILITARIZATION. WITH RESPECT TO
BERLIN, ALLIED CONTROL COUNCIL LAW NO. 43 ALSO SET DOWN

DEMILITARIZATION OF GREATER BERLIN. THE FINAL POINT OF HUEBNER'S DECLARATION WAS THAT THE QUADRIPARTITE AGREEMENT OF 1971 TOOK NOTE OF THE FOUR POWER RIGHTS AND RESPONSIBILITIES AND THE AGREEMENTS AND DECISIONS OF THE FOUR POWERS FROM THE WAR AND POST-WAR PERIODS, "WHICH ARE NOT AFFECTED."

2. PRESS STORIES CONTAINED AS WELL VARIOUS COMMENTS IMPUTED TO HUBNER WHEREBY HE STRONGLY CRITICIZED THE GDR FOR "EDUCATIONAL PROHIBITIONS, FORCED CITIZENSHIP, A BLOODY BORDER DIVIDING ONE NATION, AND TRESPASS BY THE EAST GERMAN POLICE." ALLEGEDLY HUEBNER COULD NOT CONTINUE HIS EDUCATION BECAUSE HE DID NOT WISH TO PARTICIPATE IN PRE-MILITARY TRAINING.

3. ACCORDING TO BERLINER MROGENPOST MARCH 23, HUEBNER'S FATHER IS AN INSTRUCTOR AT THE KARL-MARX PARTY ACADEMY OF THE CENTRAL COMMITTEE OF THE SED.

4. KARL-HEINZ SCHMITZ, DEPUTY CDU CAUCUS LEADER IN THE BERLIN HOUSE OF REPRESENTATIVES, PUBLICLY REQUESTED ON MARCH 22 THAT THE ALLIES NOT RESTRICT THEMSELVES TO A FORMAL PROTEST AGAINST THE VIOLATION OF THE FOUR POWER STATUS OF BERLIN BY THE GDR. RATHER, THEY SHOULD MUCH MORE EXPRESSLY CONFIRM THAT HUEBNER HAS A CLAIM FOR FUNDAMENTAL EXISTING RIGHTS AND THAT HE, AS WELL AS FOR EVERY OTHER BERLINER, CONFIDENTIAL

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PAGE 03 USBERL 00730 01 OF 02 311719Z

IS SUPPORTED BY OBLIGATIONS IMPOSED BY THE ALLIES.

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PAGE 01 USBERL 00730 02 OF 02 311720Z
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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 0730

5. THE FRENCH, WHO AS CHAIRMAN HANDLED PRESS QUERIES, RESTRICTED THEMSELVES TO OBSERVING THAT THE ALLIES WERE FAMILIAR WITH THE PRESS STORIES ON HUEBNER, THAT THEY HAVE NOT BEEN ABLE TO VERIFY THEM, BUT THAT IN WHAT CONCERNS THE DEMILITARIZED STATUS OF BERLIN THE ALLIED POSITION IS WELL KNOWN: IT IS VALID FOR ALL BERLIN. SUBSEQUENTLY, THE FRENCH HAVE RAISED THE POSSIBILITY WITH US OF GOING BEYOND SUCH A STANDARD STATEMENT. IN PARTICULAR, THEY HAVE SUGGESTED TWO POSSIBLE COURSES. ONE, A PUBLIC DECLARATION OR COMMUNIQUE CONDEMNING THE GDR ACTION. TWO, A DEMARCHE TO THE SOVIET EMBASSY. ALL THREE MISSIONS HAVE, HOWEVER, NOW DECIDED NOT TO BECOME INVOLVED IN THE DETAILS OF THE DISPUTE DESPITE CONTINUED FLAMBOYANT TREATMENT BY THE SPRINGER PRESS. A PUBLIC STATEMENT WOULD ACCENTUATE OUR HELPLESSNESS TO ACTUALLY DO SOMETHING ABOUT THE HUEBNER CASE AND PROBABLY WOULD ONLY SERVE TO HARM HUEBNER HIMSELF. WE ALSO QUESTION WHETHER A PROTEST TO THE SOVIETS WOULD PRODUCE ANY POSITIVE RESULTS.
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PAGE 02 USBERL 00730 02 OF 02 311720Z

MOREOVER, IN STRICT LEGAL TERMS, IT IS NOT ALL THAT CLEAR THAT INDUCTING EAST BERLINERS INTO THE GDR ARMY WOULD NECESSARILY BE A VIOLATION OF THE DEMILITARIZED STATUS OF BERLIN. CERTAINLY, IN WEST BERLIN THE ALLIES HAVE INTERPRETED DEMILITARIZATION TO MEAN THAT WEST BERLINERS MAY NOT BE INDUCTED INTO THE FRG ARMED FORCES. HOWEVER, IT IS ALWAYS POSSIBLE THAT THE ALLIES MAY CHOOSE TO MODIFY THIS INTERPRETATION IN THE FUTURE; A STRONG ALLIED STATEMENT AT THIS TIME ON MILITARY INDUCTION IN BERLIN COULD HAMPER ANY POSSIBLE FUTURE RELAXATION OF THE DEMILITARIZATION STATUTES WITH RESPECT TO THE WESTERN SECTORS.

6. SHOULD THE ALLIES BE COMPELLED TO GO BEYOND THE OFFICIAL FRENCH STATEMENT (PARA 5 ABOVE), WHICH WE DO NOT FORESEE AND WILL CONTINUE TO RECOMMEND AGAINST, WE WOULD PREFER TO LIMIT OURSELVES TO A PARAPHRASE OF THE 1948 DECLARATION BY THE THREE WESTERN COMMANDANTS ON THEIR INTENT TO CONTINUE IN THE ALLIED KOMMANDATURA. THIS FALLBACK STATEMENT MIGHT BE: OWING TO SOVIET ABSTENTION FROM THE ACTIVITIES OF THE ALLIED KOMMANDATURA, IT IS

PRESENTLY ONLY POSSIBLE FOR THE THREE WESTERN COMMDANTS TO CARRY
OUT THEIR DECISIONS IN THE WESTERN SECTORS OF BERLIN.

7. MORGENPOST MARCH 24 ADVISED ITS READERS THAT THE ALLIES ARE
CONSULTING ON THE POINT OF WHETHER A PROTEST TO THE SOVIETS
SHOULD BE GIVEN. THE SAME ARTICLE QUOTES CSU SPEAKER IN THE
BUNDESTAG, RICHARD JAEGER, AS REQUESTING THAT THE FRG AND THE
THREE ALLIES PREVENT HUEBNER FROM BEING SENTENCED TO SEVERAL YEARS
OF IMPRISONMENT. AXEL SPRINGER IN THE MORGENPOST MARCH 26
PRAISED NICO HUEBNER FOR DESIGNATING HIMSELF AS NOT A
GDR CITIZEN, BUT A BERLINER. GEORGE

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